

Notice of Allowability

Application No.

10/795,909

Examiner

Nasser Ahmad

Applicant(s)

MYERS ET AL.

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1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/21/2006.
2. ☒ The allowed claim(s) is/are 1-3,8,9,11,12 and 15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 9. Other: Drawings filed on 3/8/04 are accepted by the examiner.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher J. Fildes on 8/28/2006.

The application has been amended as follows:

Claim 1, line 7, before "each", the phrase - -said two segments together define the printed indicia area; - - has been added.

Claim 1, line 8, before "said separation", the phrase - - one segment of said first sheet-like member has a permanent adhesive on said adhesive lower surface and the other segment is removable;- - has been inserted.

Claim 1, line 11, the word "being" has been changed to - -is- -.

Claim 1, line 11, after "releasably", the word - -directly - - has been added.

Claim 1, line 13, before "indicia", the word - -said- - has been inserted.

Claim 1, line 14, after "illegible", the phrase - -of said destructible privacy label - - has been added.

Claim 11, line 5, after "segments;", the phrase - - said plurality of segments together define the printed indicia area; - - has been added.

Claim 11, line 8, after "segments;" the phrase - - at least one remainder segment of said first sheet-like member has a permanent adhesive on said adhesive lower surface- - has been inserted.

Claim 11, line 10, the word "being" has been changed to - -is- -.

Claim 11, line 10, after "releasably", the word - -directly - - has been added.

Claim 11, line 13, before "indicia", the word - -said- - has been inserted.

Claim 11, line 13, after "illegible", the phrase - -of said destructible privacy label - - has been added.

Claims 4, 5, 10 and 13 have been cancelled as being redundant in view of the amendments.

2. The following is an examiner's statement of reasons for allowance:

A review of applicants' arguments in amendment filed on 8/21/2006 and a review of the instant amended claims has convinced the examiner that the claims are allowable over the applied prior art of record. The prior art fails to teach or suggest a destructive privacy label comprising a first sheet member having an upper surface and an adhesive lower surface, said iupper surface adapted for printing indicia thereon, said first sheet member comprises a single layer including two segments conjoined about a separation line that defines adjacent segment edges, said two segments together define the printed indicia area, each segment being separable along the separation line, one segment of said first sheet member has a permanent adhesive on said adhesive lower

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surface, the separation line extending from one edge to another edge of the first sheet member, and a second sheet member having an upper surface and an adhesive lower surface, said upper surface is siliconized and releasably directly contacting said first sheet member adhesive lower surface, wherein removing one of said segments from the other renders said indicia printed on said first sheet member upper surface illegible of said destructive privacy label. Also, no evidentiary support could be provided to support the position that the instant claimed invention would have been obvious to one having ordinary skill in the art.

The closest prior art of WONG (USP5893587) relates to a tamper indicating label comprising an upper sheet having separable sections and detachably joined to a backing but fails to teach a destructive label comprising a second sheet having a siliconized upper surface directly contacting the lower adhesive surface of the first sheet and the second sheet has an adhesive lower surface, and one of the segment has permanent adhesive on said lower surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

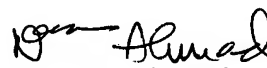
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-

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1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 8/29/06
Primary Examiner
Art Unit 1772

N. Ahmad.
August 29, 2006.